

**MINUTES OF THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

October 7, 1999

DIVISION ONE

B133855 Hepner
v.
Lewis, D'Amato, Brisbois and Bisgaard, LLP et al.

Filed order granting motion to dismiss appeal. Appeal (notice of appeal filed July 19, 1999) dismissed.

DIVISION FOUR

B127852 Kirchhoff (Not for Publication)
v.
City of Redondo Beach

The judgment in favor of the City is reversed and the case is remanded to the trial court for further proceedings consistent with the views expressed in this opinion. Each side is to bear its own costs.

Epstein, J.

We concur: Vogel (C.S.), P.J.
Curry, J.

DIVISION FIVE

[illegible]

The judgment is affirmed.

Weisman, J. (Assigned)

We concur: Grignon, Acting P.J.
Armstrong, J.

B122589 People (Not for Publication)
v.
Vigil

The clerk of the superior court is directed to amend the abstract of judgment to strike the one-year enhancement imposed pursuant to section 667.5, subdivision (b) for the prior prison term in case No. BA012299, and to indicate that the total term in prison in this case is to be life plus seven years, and to further modify the abstract of judgment to reflect a \$200 parole revocation fine under section 1202.45, which is to be suspended unless defendant's parole is revoked. The clerk shall then forward the corrected abstract to the Department of Corrections. In all other respects, the judgment is affirmed.

Weisman, J. (Assigned)

We concur: Turner, P.J.
 Godoy Perez, J.

DIVISION FIVE (Continued)

B126616 People v. Herbert (Not for Publication)

The clerk of the superior court is directed to amend the abstract of judgment to reflect the imposition of a \$200 parole revocation fine under Penal Code section 1202.45, which is to be suspended unless defendant's parole is revoked. The clerk shall then forward the corrected abstract to the Department of Corrections. In all other respects, the judgment is affirmed.

Weisman, J. (Assigned)

We concur: Turner, P.J.
Godoy Perez, J.

B133619 Roozbeh Khezri (Not for Publication)
v.
Superior Court, Los Angeles County
(Classified Lingerie, Inc., et al., r.p.i.)

A peremptory writ of mandate shall issue directing respondent court to vacate its order of June 14, 1999, granting the motions of defendants and real parties in interest Classified Lingerie, Inc., Joseph Tizabi and William Lam to vacate the California judgment based on the sister state judgment of the New York court, and to enter a new and different order denying the motions. Costs of this proceeding are awarded to petitioner.

Weisman, J. (Assigned)

We concur: Turner, P.J.
Godoy Perez, J.

October 7, 1999-Continued

DIVISION FIVE (Continued)

B120848 People (Certified for Publication)
v.
American Surety Insurance Co.

The order under review is affirmed. The People are awarded their costs on appeal from American Surety Insurance Company.

Turner, P.J.

We concur: Armstrong, J.
 Godoy Perez, J.

[illegible]

The wardship order is affirmed.

Turner, P.J.

We concur: Armstrong, J.
 Godoy Perez, J.

[illegible]

The appeal is dismissed as untimely. Doyle is to pay Haack's costs on appeal. Haack's motion for a discretionary award of attorney's fees pursuant to Family Code section 6344 is denied.

Grignon, Acting P.J.

We concur: Armstrong, J.
 Godoy Perez, J.

DIVISION FIVE (Continued)

B126427 B & D Contractors, Inc. (Not for Publication)

v.

State of California, Department of Transportation

The judgment is affirmed. B & D is to pay the State's costs on appeal.

Grignon, J.

We concur: Turner, P.J.
 Armstrong, J.

B124651 People (Not for Publication)

v.

Collins

The appeal is dismissed.

Grignon, J.

We concur: Turner, P.J.
 Godoy Perez, J.

B127942 People (Not for Publication)

v.

Poquette

The clerk of the superior court is ordered to correct the abstract of judgment to reflect the \$300 fine imposed by the trial court pursuant to Penal Code section 290.3 and the \$200 restitution fine imposed and stayed by the trial court pursuant to Penal Code section 1202.45, and to forward a copy of the corrected abstract to the Department of Corrections. The judgment is affirmed.

Grignon, Acting P.J.

We concur: Armstrong, J.
 Godoy Perez, J.

DIVISION FIVE (Continued)

B124974 People (Certified for Partial Publication)
v.
Dorsey

The judgment is modified as follows. Defendant is sentenced to two consecutive life sentences for the kidnapping for robbery counts. The minimum parole eligibility date of each life sentence is 14 years each, consecutively. The determinate sentences for counts two and three are reduced to two years each without reference to the enhancements on those charges which are to remain as previously imposed. The abstract of judgment is modified to reflect: the minimum parole eligibility information for each life sentence; the corrected sentences of two years each on counts two and three which remain stayed pursuant to Penal Code section 654, subdivision (a); direct restitution to the victim was ordered pursuant to Penal Code section 1202.4, subdivision (f); and to include the fine imposed pursuant to Penal Code section 1202.45. Upon issuance of the remittitur, the clerk of the superior court is directed to forward a copy of the amended abstract of judgment to the California Department of Corrections. The judgment is affirmed in all other respects.

Turner, P.J.

We concur: Armstrong, J.
 Godoy Perez, J.

B121382 Scott Linsley (Certified for Publication)
v.
Twentieth Century Fox Films Corp., et al.

The judgment is affirmed. Defendants are awarded costs on appeal. The matter is remanded to the trial court for a determination of defendants' attorneys fees on appeal in compliance with rule 870.2 of the California Rules of Court and Government Code section 12965.

Turner, P.J.

We concur: Armstrong, J.
 Godoy Perez, J.

October 7, 1999-Continued

DIVISION FIVE (Continued)

B129300 Washington Mutual Bank, FA et al. (Certified for Publication)
v.
Superior Court, Los Angeles County
(Paul E. Brown et al., r.p.i.)

The petition for writ of mandate is denied. Costs of this proceeding are
awarded to real parties in interest.

Weisman, J. (Assigned)

We concur: Turner, P.J.
Godoy Perez, J.

DIVISION SEVEN

Court convened at 9:00 A.M.

Present: Lillie, P.J., Johnson, J., Woods, J., Neal, J., Chavez, J. (Assigned), and Emma
Jean Amos, Deputy Clerk.

Each of the following:

B122107 People v. Pappan
B123098 People v. Jones
B123807 People v. Pappan
B124072 People v. Chen
B124455 People v. Ramirez
B124909 People v. Lopez
B124977 People v. Showers
B125701 People v. Ricky Anthony D.
B126302 People v. Turner
B126604 People v. Newton
B126754 People v. Rubin
B126970 People v. Givens
B127045 People v. Millsaps
B127293 People v. Dawson
B127653 People v. Hardin
B127708 People v. Staten
B127924 People v. Watkins
B127966 People v. Faletogo

DIVISION SEVEN (Continued)

Each of the following (cont.):

B128310 People v. Small
B128504 People v. Love
B128546 People v. Doss
B128695 People v. Davis
B129921 People v. Garcia
B129096 D.C.F.S. v. Felicia Z.
B129233 D.C.F.S. v. Michael F. & Jamie B.
B130224 D.C.F.S. v. Pamela M.
B131387 D.C.F.S. v. Patricia D.
B133767 Trina V. v. S.C.L.A.

Argument waived, cause submitted.

B120635 People
 v.
 Chung

Merits:

Argued by Laura C. Crawford for appellant and by Jason Tran, deputy attorney general, for respondent. Cause submitted.

B122171 People
 v.
 Henderson

Merits:

Argued by William L. Heyman for appellant and by John Yang, deputy attorney general, for respondent. Cause submitted.

B125155 People
 v.
 Watts

Merits:

Argued by Saiid Arjomand for appellant and by Corey J. Robins, deputy attorney general, for respondent. Cause submitted.

DIVISION SEVEN (Continued)

B125135 People
 v.
 Payan

Merits:

Argued by Alan Ross for appellant and by Thomas C. Hsieh, deputy attorney general, for respondent. Cause submitted.

B124609 People
 v.
 Coory

Merits:

Argued by Harold Greenberg for appellant and by David A. Voet, deputy attorney general, for respondent. Cause submitted.

B124194 People
 v.
 Codero, Ramirez, Nevarez & Lopez

Merits:

Argued by David Campbell, deputy district attorney, for appellant and by Alex Ricciardulli, deputy public defender, and Vicki J. Vlasnik for respondents. Cause submitted.

B123018 People
 v.
 Makimoto

Merits:

Argued by Jerald W. Newton for appellant and by G. Tracey Letteau, deputy attorney general, for respondent. Cause submitted.

DIVISION SEVEN (Continued)

B130794 People
 v.
 Nguyen

Merits:
Argued by Gary S. Harrison for appellant and by Kent J. Bullard, deputy attorney general, for respondent. Cause submitted.

B112954 People
 v.
 Montgomery and Patterson

Merits:
Argued by Catherine F. Campbell and Linda E. Buchser for appellants and by Arthur H. Auerbach, deputy attorney general, for respondent. Cause submitted.

B118298 People
 v.
 Chavez

Merits:
Argued by Sara H. Ruddy for appellant and by Teresa Torreblanca, deputy attorney general, for respondent. Cause submitted.

B119242 People
 v.
 McDonald and German

Merits:
Argued by Jerald W. Newton for appellant and by Chris R. Redburn for appellant and by Robert C. Schneider, deputy attorney general, for respondent. Cause submitted.

DIVISION SEVEN (Continued)

B131473 Sonya P.

v.

S.C.L.A.

Dept. of Children & Family Services, r.p.i.

Merits:

Argued by Katherine Shaw for petitioner and by Pamela Soncini, deputy county counsel, for real party in interest. Cause submitted.

B133148 Tammi H.

v.

S.C.L.A.

Dept. of Children & Family Services, r.p.i.

Argument waived, cause submitted.

B125676 Butler

v.

Schaap

Conservatorship of Marian Adams

Merits:

Argued by Virgil J. Butler appellant in propria persona and by Ellen R. Serbin for respondent. Cause submitted.

B116541 People

v.

Missman

Oral argument continued to November 4, 1999, at 9:00 a.m.

B126565 People

v.

David Anthony A.

Matter taken off calendar.

DIVISION SEVEN (Continued)

B119503 California Affordable Housing
 v.
 City of Malibu

Oral argument continued to November 4, 1999, at 9:00 a.m.

The Court recessed at 12:11 p.m.

The Court reconvened at 2:00 P.M.

Present: Lillie, P.J., Johnson, J., Woods, J., Neal, J., Chavez, J. (Assigned), and Emma Jean Amos, Deputy Clerk.

B134502 American Motorists Ins. Company
 v.
 S.C.L.A.
 Montrose Chemical Corporation of California, r.p.i.

Merits:
Argued by Kristine L. Wilkes for real party in interest and by John Chesney for petitioner. Cause submitted.

B128199 Woods
 v.
 Ashley-Grigsby Mortuary
 Angeles-Abby Memorial Park, Inc.

Merits:
Argued by Woodrow Woods appellant in propria persona, and by Ilse Harle DiPinto and Mark Herskovitz for respondents. Cause submitted.

DIVISION SEVEN (Continued)

B127078 Carson Harbor Village
v.
City of Carson Mobile Home Park Rental

Merits:
Argued by Thomas Casparian for appellant and by Rochelle Browne for respondent. Cause submitted.

B129410 Dept. of Children & Family Services
v.
Pablo B.
In re Deandre B. et al., r.p.i.

Oral argument waived, cause submitted.

B119385 Arcaro
v.
Silva & Silva Enterprises

Merits:
Argued by Kent M. Bridwell for appellant and by William Hamilton for respondent. Cause submitted.

Court adjourned at 3:15 p.m.